

110TH CONGRESS
2D SESSION

H. R. 6171

To provide for the establishment of a commission and a national competition to significantly improve the energy efficiency of and reduce emissions from Federal buildings in the National Capital Region.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2008

Mr. DANIEL E. LUNGREN of California introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To provide for the establishment of a commission and a national competition to significantly improve the energy efficiency of and reduce emissions from Federal buildings in the National Capital Region.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Capital Re-
5 gion Leadership in Environmental and Energy Steward-
6 ship Commission Act”.

7 **SEC. 2. FINDINGS AND PURPOSE.**

8 (a) FINDINGS.—The Congress finds that—

1 (1) to set the example in environmental and en-
2 ergy stewardship for our Nation and the rest of the
3 world, the Federal Government must lead by cre-
4 ating a big, bold, and innovative vision to push the
5 envelope of technology;

6 (2) in 1792, George Washington and Thomas
7 Jefferson initiated a competition for the design of
8 Congress' House to generate interest in the new
9 Federal City and recognize a place for noble archi-
10 tecture in a young and rugged Nation;

11 (3) in the spirit of that competition, the Fed-
12 eral Government should create a commission to hold
13 another competition to generate greater interest in
14 environmental and energy stewardship;

15 (4) this competition should recognize America's
16 technological ingenuity and innovative spirit;

17 (5) the Capitol is the symbol of freedom and
18 democracy, and the National Capital Region should
19 be the symbol of energy and environmental steward-
20 ship;

21 (6) the footprint of the Federal Government in
22 the National Capital Region is in excess of 120 large
23 facilities and 55,000,000 square feet;

24 (7) the Federal Government will spend in ex-
25 cess of 2,000,000,000 dollars over the next 10 years

1 on facility energy costs in the National Capital Re-
2 gion, to include electricity, natural gas, coal, and
3 fuel oil;

4 (8) Federal Government facilities emit numer-
5 ous air pollutants for which permits are required
6 under title V of the Clean Air Act and several hun-
7 dred thousand tons of greenhouse gases annually;
8 and

9 (9) the Federal Government is completely tied
10 into the national power grid and would be signifi-
11 cantly impacted by a large electrical outage.

12 (b) PURPOSE.—The purpose of this Act is to estab-
13 lish a commission to—

14 (1) analyze the overall facility environmental
15 and energy footprint and impact of the Federal Gov-
16 ernment in the National Capital Region;

17 (2) hold a nationwide competition with cash
18 prizes up to \$1,000,000 to find innovative solutions
19 with the singular goal to significantly eliminate Na-
20 tional Capital Region Federal Government facility
21 emissions and reduce its dependence on the national
22 power grid by making local combustion facilities cli-
23 mate neutral or implementing other technologies to
24 achieve the same goals;

1 (3) analyze existing and upcoming technologies
2 which the Federal Government can implement to
3 eliminate facility pollution and reduce its dependence
4 on the national power grid;

5 (4) recommend innovative, economical, clean,
6 multifuel, self sustaining, reliable, secure, and long-
7 term solutions to significantly eliminate Federal
8 Government facility emissions and reduce their de-
9 pendence on the national power grid; and

10 (5) submit to the Congress the results of the
11 competition and study, together with recommended
12 solutions and draft legislation.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) CLIMATE NEUTRAL COMBUSTION FACIL-
16 ITY.—The term “climate neutral combustion facil-
17 ity” means any facility which—

18 (A) burns or uses matter to produce elec-
19 tricity;

20 (B) captures the carbon dioxide released
21 during combustion; and

22 (C) neither produces, nor leads to the pro-
23 duction of, atmospheric emissions of mercury or
24 greenhouse gasses and no emissions that form
25 fine particulate, smog, or acid rain.

1 (2) FEDERAL GOVERNMENT FACILITIES.—The
2 term “Federal Government facilities” means all Fed-
3 eral Government executive, legislative, and judicial
4 branch facilities.

5 (3) NATIONAL CAPITAL REGION.—The term
6 “National Capital Region” has the meaning given
7 that term in the National Capital Planning Act of
8 1952 (40 U.S.C. 71) and includes the District of
9 Columbia; Montgomery and Prince George’s Coun-
10 ties of Maryland; Arlington, Fairfax, Loudon, and
11 Prince William Counties of Virginia; and all cities
12 now or hereafter existing in Maryland or Virginia
13 within the geographic area bounded by the outer
14 boundaries of the combined area of said counties.

15 **SEC. 4. ESTABLISHMENT AND DUTIES.**

16 (a) ESTABLISHMENT.—There is established the Na-
17 tional Capital Region Leadership in Environmental and
18 Energy Stewardship Commission (hereinafter in this Act
19 referred to as the “Commission”).

20 (b) DUTIES.—The Commission shall perform the fol-
21 lowing duties:

22 (1) Analyze the overall facility environmental
23 and energy footprint and impact of the Federal Gov-
24 ernment in the National Capital Region. The Com-
25 mission shall—

1 (A) determine the overall facility footprint
2 of the Federal Government in the National
3 Capital Region and identify which organizations
4 are responsible for the operations and maintenance of those facilities;

6 (B) determine all Federal Government facility emissions of air pollutants for which permits are required under title V of the Clean Air Act or greenhouse gases;

10 (C) determine which Federal Government facilities need the ability to operate off the national electrical grid for national security purposes; and

14 (D) determine which guidelines, codes, ordinances, executive orders, regulations, and laws apply for each Federal facility in the National Capital Region.

18 (2) Hold a nationwide competition for a cash prize to find innovative solutions to significantly eliminate National Capital Region Federal Government facility emissions and reduce dependence on the national power grid by making local combustion facilities climate neutral or implementing other technologies to achieve the same goals. The Commission shall—

1 (A) determine the rules and submission re-
2 quirements for the competition;

3 (B) ensure the competition is open to all
4 businesses and universities in the United
5 States;

6 (C) determine the winner of the competi-
7 tion; and

8 (D) award cash prizes up to one million
9 dollars for feasible solutions which can be im-
10 plemented by the Federal Government.

11 (3) Analyze existing and upcoming technologies
12 which the Federal Government can implement to
13 eliminate facility pollution and reduce dependence on
14 the national power grid. The Commission shall—

15 (A) benchmark successful environmental
16 and energy strategies from cities or regions
17 around the world;

18 (B) obtain data on existing and upcoming
19 environmental and energy technologies to deter-
20 mine feasibility and economics of implementa-
21 tion in the National Capital Region; and

22 (C) determine if any guidelines, codes, or-
23 dinances, executive orders, regulations, and
24 laws would prevent implementation in the Na-
25 tional Capital Region.

1 (4) Recommend appropriate ways for the Fed-
2 eral Government to significantly eliminate facility
3 pollution emissions, including greenhouse gases, and
4 reduce its dependence on the national electrical grid.
5 The solutions shall take into account current fund-
6 ing streams (both short-term and long-term), reli-
7 ability, security, enhancing Federal Government
8 economies of scale, and use of multiple fuels such as
9 natural gas, coal, and fuel oil.

10 (c) REPORTS TO CONGRESS.—

11 (1) INTERIM REPORT.—The Commission may
12 submit to the Congress and President interim re-
13 ports containing such findings, conclusions, and rec-
14 ommendations for corrective measures as have been
15 agreed to by a majority of Commission members.

16 (2) FINAL REPORT.—Not later than 18 months
17 after the date on which the Commission first meets,
18 the Commission shall submit to the Congress and
19 the President a report. The report shall include the
20 following:

21 (A) The findings and conclusions of the
22 Commission, including its findings and conclu-
23 sions with respect to the matters referred to in
24 subsection (b).

1 (B) The recommendations of the Commis-
2 sion for improving the Federal Government en-
3 vironmental and energy situation in the Na-
4 tional Capital Region with respect to total emis-
5 sions, multiple sources of power, and the feasi-
6 bility of implementing the results of the na-
7 tional competition to accomplish such goals.

8 (C) Other information, recommendations,
9 and proposed legislation with respect to such
10 environmental concerns in the National Capital
11 Region as the Commission considers appro-
12 priate.

13 (d) APPROVAL OF THE FINAL REPORT.—A Commis-
14 sion report submitted under subsection (c) shall require
15 the approval of not less than $\frac{2}{3}$ of the members of the
16 Commission. A minority view may be submitted as part
17 of the Commission report.

18 **SEC. 5. MEMBERSHIP.**

19 (a) NUMBER AND APPOINTMENT.—

20 (1) The intent of the Commission is to be bi-
21 partisan, bicameral, and span multiple committees.
22 The Commission shall be composed of 19 members,
23 who shall be appointed, within 90 days after the
24 date of enactment of this Act, as follows:

1 (A) Seven members shall be appointed by
2 the President, including the Secretary of En-
3 ergy (or his designee), the Administrator of the
4 Environmental Protection Agency (or his des-
5 ignee), the Administrator of General Services
6 (or his designee), and the Architect of the Cap-
7 itol (or his designee).

8 (B) The Speaker of the House shall ap-
9 point—

10 (i) one Member of Congress from the
11 House Administration Committee upon the
12 recommendation of the Chairman;

13 (ii) one Member of Congress from the
14 House Transportation and Infrastructure
15 Committee upon the recommendation of
16 the Chairman; and

17 (iii) one Member of Congress from the
18 House Oversight and Government Reform
19 Committee upon the recommendation of
20 the Chairman.

21 (C) The minority leader of the House shall
22 appoint—

23 (i) one Member of Congress from the
24 House Administration Committee upon the
25 recommendation of the Ranking Member;

1 (ii) one Member of Congress from the
2 House Transportation and Infrastructure
3 Committee upon the recommendation of
4 the Ranking Member; and

5 (iii) one Member of Congress from the
6 House Oversight and Government Reform
7 Committee upon the recommendation of
8 the Ranking Member.

9 (D) The Senate majority leader shall ap-
10 point—

11 (i) one Senator from the Senate Rules
12 and Administration Committee upon the
13 recommendation of the Chairman;

14 (ii) one Senator from the Senate
15 Homeland Security and Governmental Af-
16 fairs Committee upon the recommendation
17 of the Chairman; and

18 (iii) one Senator from the Senate En-
19 vironment and Public Works Committee
20 upon the recommendation of the Chair-
21 man.

22 (E) The Senate minority leader shall ap-
23 point—

1 (i) one Senator from the Senate Rules
2 and Administration Committee upon the
3 recommendation of the Ranking Member;

4 (ii) one Senator from the Senate
5 Homeland Security and Governmental Af-
6 fairs Committee upon the recommendation
7 of the Ranking Member; and

8 (iii) one Senator from the Senate En-
9 vironment and Public Works Committee
10 upon the recommendation of the Ranking
11 Member.

12 (2) All members of the Commission shall be
13 persons who are especially qualified to serve on the
14 Commission by virtue of their education, training, or
15 experience, particularly in the field of environmental
16 and energy stewardship.

17 (b) TERMS.—The term of office for members shall
18 be for the life of the Commission. A vacancy in the Com-
19 mission shall not affect the powers of the Commission, and
20 shall be filled in the same manner in which the original
21 appointment was made.

22 (c) FIRST MEETING.—The Commission shall meet
23 and begin operations as soon as practicable.

1 (d) QUORUM.—12 members of the Commission shall
2 constitute a quorum, but a lesser number may hold hear-
3 ings.

4 (e) CHAIR AND VICE CHAIR.—The Commission shall
5 elect a Chair from among its members. The term of office
6 shall be for the life of the Commission.

7 **SEC. 6. POWERS OF THE COMMISSION.**

8 (a) HEARINGS AND SESSIONS.—The Commission
9 may, for the purpose of carrying out the provisions of this
10 Act, hold such hearings and sit and act at such times and
11 at such places in the United States, and request the at-
12 tendance and testimony of such witnesses and the produc-
13 tion of such books, records, correspondence, memoranda,
14 papers, and documents, as the Commission considers ap-
15 propriate.

16 (b) POWERS OF SUBCOMMITTEES AND MEMBERS.—
17 Any subcommittee or member of the Commission may, if
18 authorized by the Commission, take any action which the
19 Commission is authorized to take by this section.

20 (c) OBTAINING OFFICIAL DATA.—The Commission
21 may acquire directly from the head of any department,
22 agency, or instrumentality of the executive branch of the
23 Government, available information which the Commission
24 considers useful in the discharge of its duties. All depart-
25 ments, agencies, and instrumentalities of the executive

1 branch of the Government shall cooperate with the Com-
2 mission with respect to such information and shall furnish
3 all information requested by the Commission to the extent
4 permitted by law.

5 (d) NONAPPLICABILITY OF FEDERAL ADVISORY
6 COMMITTEE ACT.—

7 (1) IN GENERAL.—The Federal Advisory Com-
8 mittee Act (5 U.S.C. App.) shall not apply to the
9 Commission.

10 (2) PUBLIC MEETINGS AND RELEASE OF PUB-
11 LIC VERSIONS OF REPORTS.—The Commission
12 shall—

13 (A) hold public hearings and meetings to
14 the extent appropriate; and

15 (B) release public versions of the reports
16 required under section 3(c)(1) and (2).

17 (3) PUBLIC HEARINGS.—Any public hearings of
18 the Commission shall be conducted in a manner con-
19 sistent with the protection of information provided
20 to or developed for or by the Commission as re-
21 quired by any applicable statute, regulation, or Ex-
22 ecutive order.

23 **SEC. 7. ADMINISTRATION PROVISIONS.**

24 (a) COMPENSATION OF MEMBERS.—Each member of
25 the Commission who is not an officer or employee of the

1 United States may be compensated at a rate equal to the
2 daily equivalent of the annual rate of basic pay prescribed
3 for level IV of the Executive Schedule under section 5315
4 of title 5, United States Code, for each day (including
5 travel time) during which the member is engaged in the
6 performance of the duties of the Commission. All members
7 of the Commission who are officers or employees of the
8 United States shall serve without compensation in addi-
9 tion to that received for their services as officers or em-
10 ployees of the United States.

11 (b) TRAVEL EXPENSES.—The members of the Com-
12 mission shall be allowed travel expenses, including per
13 diem in lieu of subsistence, at rates authorized for employ-
14 ees of agencies under subchapter I of chapter 57 of title
15 5, United States Code, while away from their homes or
16 regular places of business in the performance of services
17 for the Commission.

18 (c) STAFF.—

19 (1) The Chair of the Commission may, without
20 regard to the provisions of title 5, United States
21 Code, governing appointments in the competitive
22 service, and without regard to the provisions of
23 chapter 51 and subchapter III of chapter 53 of such
24 title relating to classification and General Schedule
25 pay rates, except that no rate of pay fixed under this

1 subsection may exceed the equivalent of that payable
2 for a position at level V of the Executive Schedule
3 under section 5316 of title 5, United States Code.

4 (2) The Chair of the Commission may fix the
5 compensation of the executive director and other
6 personnel without regard to the provisions of chapter
7 51 and subchapter III of chapter 53 of title 5,
8 United States Code, relating to classification of posi-
9 tions and General Schedule pay rates, except that
10 the rate of pay for the executive director and other
11 personnel may not exceed the rate payable for level
12 V of the Executive Schedule under section 5316 of
13 such title.

14 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon
15 request of the Chair of the Commission, the head of any
16 Federal department or agency may detail, on a non-
17 reimbursable basis, any personnel of that department or
18 agency to the Commission to assist it in carrying out its
19 duties.

20 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
21 TENT SERVICES.—The Chair of the Commission may pro-
22 cure temporary and intermittent services under section
23 3109(b) of title 5, United States Code, at rates for individ-
24 uals which do not exceed the daily equivalent of the annual

1 rate of basic pay prescribed for level V of the Executive
2 Schedule under section 5316 of such title.

3 (f) EXPERTS AND CONSULTANTS.—The Commission
4 may procure the services of experts and consultants in ac-
5 cordance with the provisions of section 3109(b) of title 5,
6 United States Code, but at rates for individuals not to
7 exceed the daily equivalent of the highest rate payable
8 under section 5332 of such title.

9 (g) CONTRACTS.—The Commission may—

10 (1) procure supplies, services, and property by
11 contract in accordance with applicable laws and reg-
12 ulations and to the extent or in such amounts as are
13 provided in appropriations Acts; and

14 (2) enter into contracts with departments,
15 agencies, and instrumentalities of the Federal Gov-
16 ernment, State agencies, and private firms, institu-
17 tions, and agencies, for the conduct of research or
18 surveys, the preparation of reports, and other activi-
19 ties necessary for the discharge of the duties of the
20 Commission, to the extent or in such amounts as are
21 provided in appropriations Acts.

22 (h) FUNDING.—The Commission is authorized to be
23 appropriated such sums as are necessary to carry out the
24 purposes of the Commission. Any sums made available to

1 the Commission shall remain available, without fiscal year
2 limitation, until the termination of the Commission.

3 (i) GENERAL SERVICES ADMINISTRATION.—The Ad-
4 ministrator of General Services shall provide to the Com-
5 mission on a reimbursable basis administrative support
6 and other services for the performance of the Commis-
7 sion's functions.

8 (j) OTHER DEPARTMENTS AND AGENCIES.—In addi-
9 tion to the assistance prescribed in subsection (i), depart-
10 ments and agencies of the United States may provide to
11 the Commission such services, funds, facilities, staff, and
12 other support services as they may determine advisable
13 and as may be authorized by law.

14 (k) GIFTS.—The Commission may accept, use, and
15 dispose of gifts or donations of services or property.

16 (l) POSTAL SERVICES.—The Commission may use
17 the United States mails in the same manner and under
18 the same conditions as departments and agencies of the
19 United States.

20 (m) AUTHORITY TO ACCEPT VOLUNTARY SERV-
21 ICES.—Notwithstanding the provisions of section 1342 of
22 title 31, United States Code, the Commission is authorized
23 to accept and utilize the services of volunteers serving
24 without compensation. The Commission may reimburse
25 such volunteers for local travel and office supplies, and

1 for other travel expenses, including per diem in lieu of sub-
2 stance, as authorized by section 5703 of title 5, United
3 States Code. A person providing volunteer services to the
4 Commission shall be considered an employee of the Fed-
5 eral Government in the performance of those services for
6 the purposes of the following provisions of law:

7 (1) Chapter 81 of title 5, United States Code,
8 relating to compensation for work-related injuries.

9 (2) Chapter 171 of title 28, United States
10 Code, relating to tort claims.

11 (3) Chapter 11 of title 18, United States Code,
12 relating to conflicts of interests.

13 **SEC. 8. TERMINATION.**

14 The Commission shall terminate 60 days after the
15 date on which the Commission submits its final report
16 under section 3(c).

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